

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE  
DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING  
UPON OF OBJECTIONS TO THE NOMINATING PAPERS OF THE CANDIDATES  
FOR THE FEBRUARY 28, 2017 MUNICIPAL ELECTION FOR ALDERMAN OF THE  
20<sup>TH</sup> WARD IN THE CITY OF CHICAGO**

KEVIN BAILEY,	)	
	)	
Objector,	)	
	)	
v.	)	No. 19 EB ALD 150
	)	
JEANETTE B. TAYLOR,	)	
	)	
Candidate.	)	

**HEARING OFFICER'S REPORT AND RECOMMENDED DECISION**

This matter was initially heard on December 10, 2018. The Objector appeared personally and the Candidate appeared through counsel, Edward Mullen. The candidate waived service and the parties were given the opportunity to file preliminary motions. A records examination pursuant to Rule 6 of the Board's rules was ordered. The matter was continued to December 17, 2018 for argument and ruling on anticipated motions.

The Candidate filed a motion to dismiss which asserted generally that the objection to a blank statement of economic interest was not correct as a statement was clearly filed and included in her nominating papers and the electoral board should not consider the properness of the contents of a statement, and the objection to a petition sheet because of a lack of a notarization date is not sufficient to undermine otherwise valid nomination papers. The candidate further argued that with respect to the Objector's separately-filed motion for declaratory judgment and interlocutory appeal, there are no procedures for such a motion and it should be denied. The Motion to Dismiss attached an affidavit of the candidate purporting to

explain that she reviewed each of the economic interests statement's questions, had no such interests and therefore did not list any and no information was missing from her filed statement.

As referenced immediately above, the Objector filed a Motion for Declaratory Relief and/or Leave to File an Interlocutory Appeal. Therein, he argued that as the Electoral Board may not have authority to rule upon the adequacy and sufficiency of the Economic Interests statement the candidate filed the questions should be presented to the full Board for determination or to the Circuit Court of Cook County or Appellate Court of Illinois.

On December 17, 2019, the preliminary motion to dismiss was heard, as well as the Objector's motion for declaratory judgment and/or interlocutory appeal. With respect to the Motion to Dismiss, the motion was granted with respect to both the objection to the "blank" statement of economic interests and the missing notarial date on petition sheet 28.

The Governmental Ethics Act (5 ILCS 420/101, et seq.) requires that candidates to municipal office file a statement of economic interests. It is well settled that the board lacks jurisdiction to inquire as to the truth and accuracy of the statement of economic interests which the candidate has filed. *Greer v. Johnson*, 95 EB ALD 74, (Chicago Electoral Board, 1995); see also *Campos v. Munoz*, 95 EB ALD 80 (Chicago Electoral Board 1995); and *Troutman v. Keys*, 87 EB ALD 195 (Chicago Electoral Board 1987) (aff'd *Troutman v. Keys*, 156 Ill. App. 3d 247, 509 N.E.2d 453 (1987)). Additionally, the Board does not have jurisdiction to determine the sufficiency of the responses to a timely-filed Statement of Economic Interests. *Mills v. Orbach*, 87 EB ALD 191 (Chicago Electoral Board 1987). Here, a statement was filed with the proper authority, and the Objector has not challenged the signing or notarization of the statement. Even without reference to the affidavit of the Candidate as to her actions or intent in filing, the Motion to Dismiss this objection was granted.

The candidate's motion with respect to the lack of notarization date on page 28 of the nominating petitions was also granted. As the Candidate points out, the board in *Ley v. Williams III*, 14 EB CON 06 (Chicago Electoral Board 2014) held that the failure to place a date on the notarial jurat is an insufficient basis to invalidate papers. See also *Lenzen v. Orozco*, 01 EB ALD 04 (Chicago Electoral Board 2001) and *Cottrell v. Pearson*, 99 EB ALD 157 (Chicago Electoral Board 1999). The Hearing Officer notes that there were no claimed or apparent irregularities with the other petition sheets. Accordingly, the motion to dismiss the objection to sheet 28 on the ground asserted is granted and the petition sheet may still be deemed valid.

Finally, the Objector's Motion for Declaratory Relief and/or Leave to File an Interlocutory Appeal was denied. The Hearing Officer reviewed the Rules of Procedure of this Board and the Candidate is correct that the Board's procedures do not allow for such a declaration or interlocutory review. Only final decisions of the Board are subject to judicial review under 10 ILCS 5/10-10.1. As discussed *supra*, the Board cannot review the properness of the contents of the response and will not strike the Candidate's nomination papers on the ground objected to, so no declaration in the Objector's favor on the issue will be made. Moreover, the Board's Rules explicitly provide for review of the Hearing Officer's Report and Recommendation and the Board issues its decision on an expedited basis. (See Rule 20 of Rules of Procedure regarding review of Hearing Officer's Recommendation, and Rule 4(a) regarding expedited nature of proceedings.) Both the Objector and Candidate may in an appropriate case seek expedited judicial review of this Board's expedited decision. The objector has cited no statutory authority which allows the Board to provide for other, interlocutory review of issues, and further, it is not sound policy given the need to resolve all issues presented upon an expedited basis.

## **RECORD EXAMINATION AND FURTHER PROCEEDINGS**

The Objector filed a Rule 20 Motion with respect to the grant of the Candidate's Motion to Dismiss in relation to the economic interests statement and denial of his Motion for Declaratory Relief and/or Interlocutory Appeal. On December 19, 2018, the Board denied same as premature, but without prejudice to refile or file a new Rule 20 motion at the proper time. The matter was continued for status to December 27, 2018. On December 27, 2018, a status hearing was held and the matter was set for further status on January 8, 2019, at which time a status hearing was held and it was confirmed that the Records Examination had commenced but was not concluded. The Objector indicated he was considering foregoing a Rule 8 evidentiary hearing and was considering not proceeding on the validity of signatures objections. The matter was set for further status on January 11, 2019. The final results of the Records Examination pursuant to Rule 6 were still not communicated to the Board. However, the Objector specifically waived the pursuit of signature validity objections and the missing notary date of page 28 of the petitions, and waived the filing of a Rule 8 motion and the right to present evidence relating to the validity of signatures as reflected in paragraphs 4-22 of his Objector's petition. The Objector indicated he intended to file a Rule 20 motion with respect to the Report and Recommendation as to the economic interests statement issue(s), and it was discussed that this Report and Recommendation would follow to enable him to do so.

## **REPORT AND RECOMMENDATION**

As the Objector has elected to not proceed on other objections and the Candidate's Motion to Dismiss as to the sufficiency of the statement of economic interests was granted, it is hereby recommended the objections of Kevin Bailey to the nominating papers of Jeanette B. Taylor be overruled, and that the nomination papers of Jeanette B. Taylor be deemed **valid** and

that the name of Jeanette B. Taylor for said office be printed on the ballot at the February 26, 2019, Municipal Election.

Respectfully Submitted,

s/ Kevin E. Bry

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Kevin E. Bry, Hearing Officer  
January 11, 2019

**BOARD OF ELECTION COMMISSIONERS FOR THE CITY OF CHICAGO  
AS A DULY CONSTITUTED ELECTORAL BOARD**

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Objections of: KEVIN BAILEY )  
)  
)  
To the Nomination ) No.: 19-EB-ALD-150  
Papers of: JEANETTE B TAYLOR )  
)  
Candidate for the office of Alderman for the )  
20th Ward of the City of Chicago )

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of the Board of Election Commissioners for the City of Chicago, Commissioners Marisel A. Hernandez, William J. Kresse and Jonathan T. Swain, organized by law in response to a Call issued by Marisel A. Hernandez, Chair of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of KEVIN BAILEY (“Objector”) to the nomination papers (“Nomination Papers”) of JEANETTE B TAYLOR, candidate for the office of Alderman for the 20th Ward of the City of Chicago (“Candidate”) at the General Municipal Election to be held on Tuesday, February 26, 2019, having convened on Monday, December 10, 2018, at 8:30 a.m., in Room 800, 69 West Washington Street, Chicago, Illinois, and having heard and determined the Objections to the Nomination Papers in the above-entitled matter, finds that:

1. Objections to the Nomination Papers of the Candidate were duly and timely filed.
2. The Electoral Board was legally constituted under the laws of the State of Illinois.
3. A Call to the hearing on said Objections was duly issued by the Chair of the Electoral Board and served upon the members of the Electoral Board, the Objector and the Candidate, by registered or certified mail and by Sheriff’s service, as provided by statute.

4. A public hearing held on these Objections commenced on Monday, December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Kevin E. Bry for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, KEVIN BAILEY, pro se; the Candidate, JEANETTE B TAYLOR, and/or her Attorney ED MULLEN.

7. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be declared valid. Specifically, the Hearing Officer found that it is beyond the Electoral Board's scope of authority to inquire into the completeness, thoroughness, correctness or truth of answers provided on a candidate's Statement of Economic Interest ("SEI") form. The Electoral Board agrees. *Requena c. Cook Co. Officers Electoral Bd.*, 295 Ill.App.3d 728 (1<sup>st</sup> Dist. 1998).

8. The Objector filed a Rule 20 motion and was provided an opportunity to present additional argument to the Electoral Board in objection to the Hearing Officer's recommended decision. The results of the Rule 20 hearing did not convince the Board.

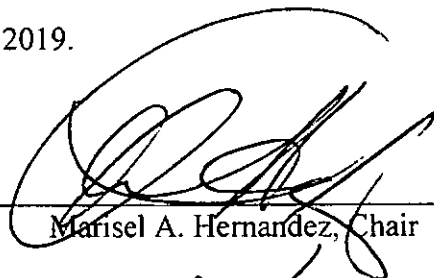
9. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer Report and


Recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

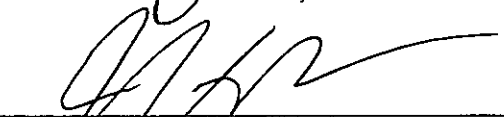
10. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of KEVIN BAILEY to the Nomination Papers of JEANETTE B TAYLOR, candidate for the office of Alderman for the 20th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of JEANETTE B TAYLOR, candidate for the office of Alderman for the 20th Ward of the City of Chicago, SHALL be printed on the official ballot for the General Municipal Election to be held on Tuesday, February 26, 2019.

Dated: Chicago, Illinois, on Friday, January 18, 2019.

  
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Marisel A. Hernandez, Chair

  
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William J. Kresse, Commissioner

  
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Jonathan T. Swain, Commissioner

**NOTICE:** Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved of this decision and seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Cook County within 5 days after service of the decision of the Electoral Board.